

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

There is no indication that the Information Disclosure Statement filed August 25, 2003 has been considered. Attached for the Examiner's convenience is a copy of Form PTO-1449 listing previously provided U.S. Patent No. 6 372 324. Initialing and return of Form PTO-1449 is respectfully requested.

The rejection of Claims 1-25 under 35 USC §112, first paragraph, as failing to comply with the written description requirement has been considered. Claim 1 has been amended as suggested in the Office Action to recite a total haze in a range from 0.7% to 6% for a resin sheet having a thickness of 200 microns. Therefore, reconsideration and withdrawal of the rejection of Claims 1-25 under 35 USC §112, first paragraph is respectfully requested.

The amendment to Claim 1, while providing a range for total haze, does not limit the resin sheet to a thickness of 200 microns. Rather, the 200 micron thickness is merely being used to quantify the total haze property of the resin sheet.

The rejection of Claims 17-19 under 35 USC §112, second paragraph, as being indefinite has been considered. Claims 17-19 have been amended as suggested in the Office Action. Further, Claims 4 and 5 have also been amended to conform to the language set forth in Claims 17-19. Reconsideration and withdrawal of the rejection of Claims 17-19 under 35 USC §112, second paragraph is respectfully requested.

The rejection of Claims 1-25 under 35 USC §103 as being unpatentable over Genske (U.S. Patent No. 4 778 697) has been considered.

Genske discloses using polymer blends to make a multi-layer film. In the multi-layer films, at least one layer is a blend of polyethylene and another layer is polypropylene blended with elastomers and/or ethylene-base copolymers.

Genske desires a packaging structure having high temperature processability, a strong heat seal and resistance to water vapor transmission at a moderate thickness. Genske also requires excellent resistance to physical shocks by the polymer film. Table 1 of Genske discloses maximizing the height for which the films are dropped containing a liter of water without breaking. Genske does not disclose or suggest forming a transparent film.

In all of the disclosed embodiments, Genske uses high-density polyethylene (HDPE) as part of an intermediate layer for securing heat-resistance as a retort package. Since HDPE has high crystallinity and great size of crystals when being molded as a sheet, high-density polyethylene sheets are translucent (slightly white). If a significant amount of a low-density polyethylene were used by Genske for improving transparency, heat resistance would be deteriorated and the desired results would not be obtained. Thus Genske teaches away from forming a transparent sheet.

Applicants' Claim 1 now recites the property of "a total haze in the range from 0.7% to 6% for said resin sheet having a thickness of 200 microns". This total haze range is low enough so that the resin sheet is transparent. The specific claimed total haze value is not present in Genske.

The Office Action indicates that Genske's intermediate layer can be made from a blend of high-density polyethylene and a modifier such as ethylene butylene copolymer, styrene isoprene styrene copolymer and/or styrene butadiene styrene copolymer. These blends mentioned in the Office Action have 50 wt% high density polyethylene and thus have translucent properties. Further, the Office Action states that there is no showing that Genske's multi-layer film is not transparent. Applicants have made the statement that the films of Genske are not transparent because of the quantity of high density polyethylene utilized.

If so requested, Applicants will provide an affidavit stating that none of the examples of Genske that correspond in any way to Applicants' disclosed invention have a total haze value of less than 6%.

The basic rejection set forth in the previous Office Action states that it would have been "obvious to optimize physical properties of the laminate by varying proportions of blends and thicknesses of individual layer" of Genske to obtain Applicants' claimed invention. This statement is traversed. Taking this broad statement upon face value, any composition made from various plastic materials would have been obvious despite different disclosed methods resulting in different physical properties for a plastic laminate.

Further, the properties Genske is attempting to "optimize" are entirely different from Applicants' claimed properties for the resin sheet. Genske has no motivation to destroy the function of the disclosed films in order to try to obtain a structure having Applicants' claimed 1) modulus of elasticity, 2) average length of a foreign substance that has a refractive index different from a non-crystalline resin composition as specified, 3) total haze in the range from 0.7% to 6% for a resin sheet having a thickness of 200 microns, and 4) less than 0.2  $\mu\text{m}$  of surface-roughness at at least one surface layer. Therefore, the creation of such a resin sheet is not within the purposes and disclosure of Genske.

For the above reasons, reconsideration and allowance of Claims 1-25 is respectfully requested.

Further and favorable reconsideration is respectfully solicited.

Respectfully submitted,

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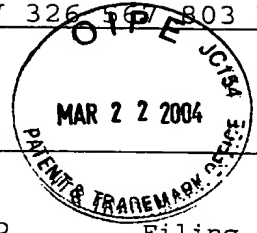
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INFORMATION  
DISCLOSURE  
CITATION

Applicant: Atsushi FUJII, et al.  
 Ser.No. : 09/880 440 Filed : June 13, 2001  
 Conf. No.: 7080 Atty.Ref.: Kino C-194A  
 Group : 1773



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date
	AA	6 372 324	4/2002	Fujii, et al.		
	AB					
	AC					
	AD					
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## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Sub Class	Translation Yes No
	AL					
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## OTHER DOCUMENTS (Including Author, Title, Date, Pages, Etc.)

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